IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CIVIL APPLICATION NO.873 OF 2006
IN
WRIT PETITION NO.5953 OF 2005 2006

M/s.Siddhi Developers.....Petitioner

Vs.

Thane Municipal Corporation..Respondent

Smt.Varsha Sitaram Jadhav...Applicant/Intervenor

Mr. P.K. Dhakephalkar with Mr. J.S. Deo for Applicant.
Mr. R.S. Apte, for Respondent No.1.
Mr. S.M. Oak for original Petitioner

CORAM: F.I. REBELLO &
DR.D.Y.CHANDRACHUD, JJ.
DATE : 26th April,2006

P.C.:

. Writ Petition was disposed of in terms of the Minutes of the Order on 20th October, 2005.

2. The Applicant has now moved by way of Civil Application to contend that he has rights in the property and that pursuant to the order of this Court dated 20th October, 2005 he is prevented from asserting his rights. It is pointed out that the original Plot No.234 was shown in the name of one Pareira. It is further submitted that Pareira has leased out the Plot to Ratan Dhandekar, who in turn subleased it to one Varsha Jadhav. In the meanwhile the Town Planning Scheme was framed under which Survey NO.234 was initially given Original Plot No.432 and final Plot NO.340 and again allotted to

Pareira. He, therefore, submits that admittedly as a lessee he had a right in the plot and it is also contended that no notice was given to him in the matter of Town Planning Scheme.

3. It will not be possible for us to look into that aspect of the matter as the Town Planning Scheme has been notified and the final plot was allotted to Pareira. If it is the case of the applicant that final plot was allotted to Pareira without giving him notice it will be open to him to independently challenge the said scheme if in law he is so entitled to.

. In the light of that, the interest of justice requires that the order dated 20th October, 2005 is not acted upon for a period of eight weeks from today. It is made clear that the order dated 20th October, 2005 will be subject to any order that will be passed in the Writ Petition which may be filed by the Applicant. If the applicant does not obtain any interim order in the petition the respondents are bound to comply with the order of this Court. It is clarified that the stay would be in so far as the Applicant and his rights are concerned only.

4. Considering that we have stayed our order for eight weeks the respondents are given further time of two months to comply with the order of this Court.

. Civil Application stands disposed of accordingly.

(F.I.REBELLO, J.)

(DR. D.Y.CHANDRACHUD, J.)